

Questions and Answers about the Upper New River Wild and Scenic River Study

What is the Upper New River Wild and Scenic River Study?

The United States Congress created the National Wild and Scenic Rivers System in 1968 to protect some of the nation's most outstanding free-flowing rivers and river segments for the benefit of future generations. The Upper New River Wild and Scenic River Study was authorized by the Congress and the President to determine whether an approximately 20-mile section of the New River straddling the Virginia/West Virginia border should be added to the National Wild and Scenic Rivers System. The study is being conducted by the National Park Service.

When was the study authorized?

The study was authorized on October 26, 1992, with the enactment of Public Law 102-525, which amended Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)).

What is the study area?

The study area is defined by Public Law 102-525 as follows:

"The segment defined by public lands commencing at the U.S. Route 460 Bridge over the New River in [Glen Lyn] Virginia to the maximum summer pool elevation (1410 feet above mean sea level) of Bluestone Lake in [Hinton] West Virginia."

The authorizing legislation limits the Wild and Scenic River study area to the river segment and the adjacent corridor defined by public lands owned by the U.S. Army Corps of Engineers within the Bluestone Project Area.

Wasn't this study completed during the 1990s?

No. The National Park Service (NPS) started the study soon after its authorization by Congress and completed several initial steps, but the study was put on hold in 1997 before it could be completed.

Why was the study put on hold?

To allow staff from the New River Gorge National River and the West Virginia Division of Natural Resources (DNR) to focus on developing a new license agreement for the Bluestone National Scenic River (NSR), which is adjacent to the study area. The park and the West Virginia DNR came to an agreement on the new license for the Bluestone NSR in the fall of 2002, and the study was reactivated in 2003.

Who is conducting the study?

The Northeast Region / Philadelphia Office of the National Park Service has lead responsibility for the study on behalf of the Secretary of the Interior (who was assigned responsibility in the authorizing legislation). The National Park Service has engaged Phil Huffman and Drew Parkin,

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consultants with substantial experience on Wild and Scenic River studies, to assist with the project.

What is the study process?

The Wild and Scenic Rivers Act provides a process for determining whether rivers are *eligible* and *suitable* for inclusion into the National Wild and Scenic River System.

To be *eligible*, a river or river segment must be free-flowing and possess at least one outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historical, cultural, or other similar value. Eligible segments are classified as “wild”, “scenic”, or “recreational” based on established criteria, including existing water quality, the amount of development along the river corridor, and accessibility.

The *suitability* determination involves an evaluation of whether Wild and Scenic River designation would be an appropriate element of long-term management of the river or, in other words, whether designation makes sense for the river in question. This evaluation includes:

- considerations of existing land ownership and management,
- alternatives for how the river might be administered and managed if designated,
- what the effects of designation might be (including whether designation would provide additional protection to important river-related resources), and
- whether there is support for designation among key stakeholders (*e.g.*, local communities, state and federal agencies, and nongovernmental organizations).

Has the river been found eligible for designation into the National Wild and Scenic River System?

The National Park Service released a draft eligibility report in July 1994. The Study Team has recently verified and updated the findings from the draft report. The study segment is eligible for inclusion into the National Wild and Scenic Rivers System, and meets the criteria for “scenic” river classification.

Six outstandingly remarkable resource values have been documented in the study area: scenery, fish, wildlife, recreation, geology/hydrology, and archeological/historic resources.

Does management of river flows at the Claytor Dam upstream or the Bluestone Dam downstream affect the study segment’s “free-flowing” condition and eligibility for Wild and Scenic River designation?

No. The Wild and Scenic Rivers Act defines free-flowing as “existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” This definition applies to modifications of the waterway *within* the established boundaries of the study area, and therefore does not preclude eligibility in cases with impoundments upstream or downstream and managed flows.

Indeed, there are many examples of designated Wild and Scenic Rivers above and below existing dams and impoundments, such as the Bluestone National Scenic River. And while the segment of the Upper New River currently under study is subject to occasional inundation for

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downstream flood control at times of high flows, the segment is flowing and riverine in appearance most of the time and meets the “free-flowing” criterion.

What are the next steps in the study process?

(1) Evaluate the pros and cons of potential management alternatives for the study area (including some with Wild and Scenic River designation and some without), (2) Prepare a draft study report for public review and comment, and (3) Identify a preferred alternative for future management (if possible). These steps will be completed before the National Park Service makes any recommendations to Congress about whether the study segment should be designated into the National Wild and Scenic River System.

Will there be opportunities for the public to participate in the study process?

Yes. The National Park Service will hold open public gatherings at key junctures in the process to provide information and seek public input. The NPS will publicize these events through the local media and other mechanisms. The first round of public open houses were held in December 2003. Additional public gatherings are tentatively planned for mid-summer and fall of 2004. These events will be publicized through press releases to the regional media and announcements to individuals on the NPS mailing list for the project. To get on the mailing list, please contact the National Park Service project manager, Dave Lange, whose contact information is provided at the end of this document.

Have any decisions been made as a result of this study about future management or designation of the river?

No. The National Park Service does not have any preconceived ideas regarding future management or designation, other than that the river and its adjacent corridor should be managed to conserve the important resource values identified in the eligibility analysis.

Will there be a land transfer if the river is designated?

The National Park Service has no preconception regarding whether this would be desirable or warranted, nor is there any requirement that this be a component of management. The issue will be one of many to be considered in the exploration of possible management alternatives.

Who will make the final decision about whether or not to designate the river?

The National Park Service will prepare a study report that contains recommendations or, at the least, alternatives for future management. The report will be submitted to Congress by the Secretary of the Interior. A final decision to designate the study segment into the National Wild and Scenic Rivers System would be in the form of federal legislation passed by Congress and signed by the President.

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What are the implications of the study and potential wild and scenic designation on the Drift and Debris Study and the Dam Safety Assurance Project at Bluestone Dam?

The Wild and Scenic River study area stops at the maximum summer pool elevation of Bluestone Lake (1410 feet above sea level). The study and potential designation will have no effect on project operations that do not affect the river upstream of the current maximum summer pool elevation.

Would the Tri-Cities Hydropower Project be affected in any way if the river were to be added to the Wild and Scenic River system?

The National Park Service's understanding is that the hydropower project is proposed to be operated as a "run-of-river" project utilizing the existing maximum summer pool elevation. As such, the hydropower project would not be affected by Wild and Scenic River designation.

What effects would wild and scenic river designation have for the New River?

The fundamental result of designation would be a permanent prohibition on new dams and other water development projects that would have a negative effect on the river and related natural, cultural, and recreational resources. (In fact, one of the original reasons river advocates were interested in pursuing potential designation of the New River was to prevent a proposed electric transmission line from crossing the river in the heart of the study area.)

Designation also would increase the likelihood that federal actions of all kinds would be consistent with river management objectives. In addition, designation could serve as leverage to secure funding, technical assistance, volunteer involvement, and other commitments to improve river management and protection. Also, depending on how (or if) local interests wish to market the designation, it could be used to help bolster local economies through increased recreation and tourism. Less tangible benefits often accompany designation as well, including increased public awareness of the value of the river area and increased civic pride.

If the river were designated into the National Wild and Scenic River System, who would have management responsibility for the river and lands adjacent to the river within the study area?

No decisions have been made about future management of the river were it to be designated. This issue will be considered with the public during the evaluation of management alternatives, and the National Park Service will provide alternatives and/or recommendations to Congress on which agency or agencies might be assigned responsibility for managing and administering the river if it is designated.

The Wild and Scenic Rivers Act provides flexibility in assigning management responsibility, as long as the river is managed to specified standards. Current Wild and Scenic Rivers include examples of federal management, state management, local management, and combinations.

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Could the Army Corps of Engineers be the administering agency if the river were designated?

Yes. There is nothing in the Wild and Scenic Rivers Act that would preclude the Army Corps of Engineers from being the administering agency. The Army Corps currently has administrative responsibility for a section of the Cossatot Wild and Scenic River in Arkansas.

Could the States of West Virginia and Virginia be the administering agencies?

Yes. There are a number of examples of state-administered National Wild and Scenic Rivers. The most long-established example is the Allagash Wilderness Waterway, which has been administered by the State of Maine since its designation into the national system in 1970.

Would current hunting and fishing activities within the Bluestone Wildlife Management Area be allowed to continue if the river is designated?

Yes. Fishing and hunting are regulated under state laws. Hunting and fishing are allowed in Wild and Scenic River areas, except if additional regulations are necessary to ensure public safety (e.g., establishing no hunting zones near campgrounds) or to achieve other critical management objectives (e.g., protecting the habitat of an endangered species).

Who would manage wildlife and the existing campgrounds within the Bluestone Wildlife Management Area if the river were designated?

These issues will be considered during the evaluation of management alternatives, and the existing managers will be actively consulted and involved in the decision process. There is no Wild and Scenic Rivers Act requirement that would preclude the state(s) from continuing to manage campgrounds or wildlife management areas within a designated Wild and Scenic River. (For example, the West Virginia DNR currently manages the Bluestone River Unit of the Bluestone Wildlife Management Area, which surrounds the Bluestone National Scenic River.)

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